



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

August 17, 2022

By ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

8/17/2022

Re: *Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al.* 21 Civ. 5706 (LJL)

Dear Judge Liman:

On behalf of Plaintiffs, I respectfully write to request the Court to vacate the parties' agreed-upon briefing schedule regarding the administrative record in the above-referenced action brought pursuant to the Endangered Species Act, 16 U.S.C. §§ 1533, 1540(g), and the Administrative Procedure Act, 5 U.S.C. § 706. *See* ECF No. 40. Although Plaintiffs still dispute Defendants' categorical exclusion of deliberative materials from the record, Plaintiffs have concluded that it is more imperative to expeditiously move forward with summary judgment briefing, and do not intend to further dispute the contents of the record through motion.

Accordingly, the parties have conferred and respectfully propose the following briefing schedule:

- Plaintiffs' motion for summary judgment is due by October 28, 2022;
- The government's opposition and cross-motion for summary judgment is due by January 6, 2023;
- Plaintiffs' opposition and reply brief is due by February 3, 2023;
- The government's reply brief is due by March 3, 2023.

We thank the Court for its consideration of this submission.

Respectfully Submitted this 17th day of August, 2022.

s/ Brian Segee

Brian Segee (*pro hac vice*)

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